

MEMORANDUM ENDORSED



Civil Rights
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February 20, 2025

VIA ECF

Honorable Judge Gabriel Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Sai Malena Jimenez-Fogarty v. Thomas Fogarty, et al.*
Case No.: 1:24-CV-08705-JLR

Dear Judge Gorenstein:

This office represents the plaintiff, Sai Malena Jimenez-Fogarty in the above captioned matter. Counsel writes pursuant to Your Honor's Individual Rules para. 2B, to inform the court that Plaintiff's *Motion to Disqualify Cole Schotz P.C. as Counsel For Defendant Thomas Fogarty* has been fully briefed as of February 19, 2025 with the filing of Plaintiff's *Reply Memorandum* in response to Defendant's *Opposition*, filed on January 28, 2025.

Plaintiff thanks the Court for its consideration and the opportunity to resubmit her Reply memorandum.

Respectfully,

Tricia S. Lindsay, Esq.
Attorney for Plaintiff

cc: All Counsel of record (via ECF only)

The motion referenced in this letter was denied without prejudice and is no longer pending. See Docket # 59. Thus, the re-filing of the reply brief, even if it now contains citations to the record, does not revive the motion and is a nullity. Further, as explained in Docket #59, the infirmity of the motion was not limited to the reply brief but also was found in the initial motion papers. The proper course for plaintiff now, if she wishes to pursue the motion to disqualify, is to file a proper motion that complies with Local Civil Rule 7.1(a) and all other applicable requirements, including the Court's Individual Practices. The Court assumes that it is not necessary to point out that counsel would not comply with these requirements and her own ethical obligations if she simply refiled the original papers with citations to factual statements.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

February 20, 2025